

## 3-7.000

# LAW ENFORCEMENT COORDINATING COMMITTEE/VICTIM-WITNESS

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### **3-7.100 History and Overview**

The creation of the Law Enforcement Coordinating Committee was an attempt to move past territorial and jurisdictional concerns of federal, state, and local law enforcement entities, open the lines of communication, and make the most efficient use of law enforcement resources. Using the findings of a bi-partisan task force on violent crime, a program was designed which would be housed in a central location and be responsive to the unique needs of a specific area. The United States Attorneys' offices were selected as the most logical entity to house such a program because it represents the federal government's interests in local matters, and in most cases the United States Attorney represented strong community leadership, active support of law enforcement, and provided access to the leadership in Washington D.C., factors which would prove essential to the success of the program.

On July 21, 1981, the Attorney General of the United States issued an order instructing every United States Attorney to establish a Law Enforcement Coordinating Committee (LECC) to respond to the need for better communication between federal, state, and local law enforcement agencies. The LECCs are not only responsible for improving communications, but also for providing training, facilitating cooperative efforts by acting as a liaison between the United States Attorneys' offices and the community. This new program, LECC, would have the ability to identify specific training and resource needs of the district and locate available resources to fill those needs. Districts also have LECC Subcommittees which consist of relevant LECC agency officials working on specialized tasks, such as drug enforcement or white collar crime, see USAM 3-7.211.

As set forth in the Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994, and pursuant to the Attorney General's Guidelines, the federal government must ensure that innocent victims of all crime have their rights upheld, have their dignity and privacy respected, and are treated with fairness. During the prosecution stage of the process, it is the United States Attorneys' offices, through their Victim-Witness Coordinators, that are responsible for compliance with these mandates.

### **3-7.200 Structure**

The LECC/VW Program is under the overall direction of the Deputy Attorney General. United States Attorneys from 12 districts make up the LECC/Victim-Witness Subcommittee of the Attorney General's Advisory Committee of United States Attorneys. This subcommittee provides input to the Attorney General on law enforcement and victim-witness matters. Additionally, a group of six LECC and Victim-Witness Coordinators serve on the Coordinators' Advisory Committee to provide input to the subcommittee and its chairman upon request.

Each individual district's LECC and Victim-Witness Program is under the supervision of the United States Attorney. The LECC and Victim-Witness Coordinators may assist in managing local operations and coordinate activities within their district as directed by the United States Attorney.

### **3-7.210 Membership**

LECC members represent a broad range of multilevel government law enforcement agencies. In some of the larger districts, the full LECC may consist of several hundred individuals. Federal agency members include the FBI, DEA, IRS, INS, ATF, the U.S. Customs Service, Postal Inspection Service, U.S. Marshals Service, Fish and Wildlife Service, Park Service, federal agency inspectors general, and the military. State agencies generally include state police; state attorneys general and inspectors general; the National Guard; tax, banking, and insurance regulators; conservation officers; and state criminal justice planning agencies. Local government agencies provide members from district or prosecuting attorneys' offices, city and rural police departments, sheriffs' departments, county inspectors, and town constables. Private groups, such as banking and insurance security personnel, may also belong to the committee. Even foreign law enforcement groups, such as the Royal Canadian Mounted Police, can be a part of the LECC in border districts. The United States Attorney must ensure that full and fair representation is accorded all state and local law enforcement interests.

### **3-7.211 Subcommittees**

Subcommittees serve as the operational core of most LECC activity. They address specialized areas of district law enforcement needs and are made up of personnel with appropriate interest and expertise. An Assistant United States Attorney or other high level federal or nonfederal official may head the subcommittee.

### **3-7.212 Reporting Requirements**

In accordance with the Attorney General's Guidelines on Victim and Witness Assistance, each United States Attorney, Department chief of litigation shall report annually to the Attorney General, through the Director, Office for Victims of Crime, by February 1st of each year, on the "Best Efforts" they have made during the preceding fiscal year, in ensuring that victims of crime are accorded the rights set out under Federal law.

The responsible official, in preparing the annual "Best Efforts" Report shall include an account of practices and procedures which have been adopted (and are in actual use in each of their respective offices), during the preceding fiscal year, to provide the service to victims mandated under Federal law.

The importance of reporting comes from the information received rather than from the format. Therefore, copies of previously generated documents are adequate. The Staff utilizes these reports to identify successful programs, to share good ideas with other districts, and to learn where problems may be. Each Coordinator should

know his/her contact person on EOUSA's LECC/Victim-Witness staff, who can provide the district with help for LECC/Victim-Witness activities.

### **3-7.300 Guidelines on Victim and Witness Assistance -- Introduction**

The Victim and Witness Protection Act of 1982 (Act of 1982), dated October 12, 1982, P.L. 97-291, was enacted to "... ensure that the Federal Government does all that is possible within limits of available resources to assist victims and witnesses of crime. . . ." The Crime Control Act of 1990, specifically the Victims' Rights and Restitution Act of 1990, created a federal crime victims' Bill of Rights and codifies services that should be available to victims of federal crimes. Title II, the Victims of Child Abuse Act of 1990, includes extensive amendments to the criminal code affecting the treatment of children by the federal criminal justice system. The Violent Crime Control and Law Enforcement Act of 1994, dated January 25, 1994, and specifically Title IV- Violence Against Women and Title XXIII- Victims of Crime, created additional criminal penalties and provides enhanced services to victims of domestic violence and violent crime. The Act of 1982 required the Attorney General to develop and implement guidelines for the Department consistent with the purposes of this legislation. Compliance with this requirement was accomplished by issuance of the "Attorney General's Guidelines on Victim and Witness Assistance" on July 9, 1983, which were revised and reissued on May 1, 1995. These Guidelines set forth the procedures that officials should follow in responding to the needs of victims and witnesses. In addition to incorporating the provisions of the Act of 1982, the Crime Control Act of 1990, and the Violent Crime Control and Law Enforcement Act of 1994, the Guidelines also incorporate pertinent recommendations of the President's Task Force on Victims of Crime, which were published in December 1982.

### **3-7.320 Responsibilities**

Responsibility for implementing the prosecution-related provisions of the Attorney General's Guidelines within the Department resides with the 93 United States Attorneys, with each United States Attorney as the responsible official for cases in his/her district in which charges have been instituted.

Specifically, each United States Attorney's office is responsible for:

- A. Information and referral
- B. Protection from Harassment and Intimidation
- C. Consultation and Notification
- D. A Secure Waiting Area
- E. Return of Property Held As Evidence
- F. Payment of Forensic Rape Exams
- G. Payment for Testing and Counseling for Sexually Transmitted Diseases (Title 42 U.S.C. Section 10607 (c)(7).)
- H. Limited Testing of Defendants (Title 42 U.S.C. Section 14011.)
- I. Allocation Statements to the Court
- J. Restitution

Responsibility for technical assistance to United States Attorneys' offices in implementing the Attorney General's Guidelines lies with the LECC/Victim-Witness Staff of the Executive Office for United States Attorneys.

Responsibility for monitoring compliance with the Guidelines and provisions of the Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, and the Violent Crime Control and Law Enforcement Act of 1994, resides with the Director, Office for Victims of Crime (OVC), Office of Justice Programs (OJP). See especially P.L. 100-690, Title IV, subtitle D (Victim Compensation and Assistance) (November 18, 1988, - 1404(c)(3)(A), as amended.)

### **3-7.330 Procedures**

Pursuant to the Victim and Witness Protection Act of 1982, section 6, and the Attorney General's Guidelines for Victim and Witness Assistance, each United States Attorney shall:

- A. Designate one or more persons specifically for the purpose of carrying out the provisions of the Guidelines;
- B. Establish written office procedures, guidelines and materials for the provision of victim-witness services;
- C. Inform and educate office personnel about procedures for provision of victim-witness services. This includes keeping personnel informed of any changes/modifications that may occur;
- D. Develop and maintain accurate resource materials which identify available public and private programs for the provisions of counseling, treatment or support services to victims;
- E. Coordinate the provision of victim-witness services between the United States Attorneys' offices and other organizational components of the Department, i.e., investigative agencies within the Department; and with state and local law enforcement officials including tribal police officials in Indian Country and victim assistance and compensation service providers;
- F. Report annually to the Attorney General, by November 1, on the "Best Efforts" they have made in ensuring that victims of crime are accorded the rights set out in the Act. United States Attorneys may comply with this requirement by the filing of their annual report on victim and witness assistance with the LECC/Victim-Witness Staff of the Executive Office for United States Attorneys.

### **3-7.340 Emergency Victim/Witness Programs**

The Office for Victims of Crime (OVC) has established a special fund to provide emergency assistance and services to victims of federal crimes when needed services are unavailable through other sources. To date, this fund has been used to provide therapy to victims, support training and consultation; pay shelter costs; pay travel and per diem related to victims' participation in the criminal justice system; provide short-term evaluation and treatment; provide counseling to victims of sexual assault; defray unreimbursed medical costs; provide communities suffering from multiple victim cases; pay for psychotherapy and psychological evaluations; and pay medical bills for forensic medical examination and treatment. To apply for OVC funds, districts should contact the Office of Victims of Crime.

Another tool in the prosecution of cases involving witnesses who have a perceived threat of danger in relation to testifying is the Emergency Witness Assistance Program (EWAP). This program, is available to witnesses who are going to testify in cases, but have a reservation about testifying, not an actual threat. Threats should be treated seriously in connection with the United States Marshal's Service and local law enforcement.

The purpose of EWAP is to provide the United States Attorneys' offices with the flexibility to address a critical need: assistance to witnesses on an emergency basis to ensure their well being and that witnesses will be available for trial, other court proceedings, or activities on an ongoing case. The program also addresses a

witness's or prospective witness's physical, mental or emotional reservations about participating in a specific matter before or after he or she has agreed to cooperate with, testify or be available for, the government.

Each district has an implementation plan which further describes the uses of the funds. Funding is limited to \$4,000 per witness, not to exceed one month. Requests for additional funding must be sent to the Assistant Director, LECC/VW Staff, EOUSA.

An approved protocol has been established and must be strictly adhered to.

General guiding principles include the following:

- A. The program should be used as a last resort in support of witnesses;
- B. This limited funding should not be used in place of current resources of investigative agencies or others in support of cases;
- C. All personnel understand the parameters of the program that strict adherence to your operating plan is accomplished; and
- D. All appropriate controls and reporting requirements are met.